

(f) The Military Services shall direct installation commanders to assess the availability of drug and alcohol in the vicinity of military installations through their Armed Forces Disciplinary Control Boards or Control Boards of other appropriate Federal agencies. Whenever the availability of alcohol or drugs, or both, at an establishment off-base presents a threat to the discipline, health, and welfare of DoD personnel, such establishments shall be dealt with as prescribed in the "Armed Forces Disciplinary Control Board and Off-Installation Military Enforcement Guidance" (Army Regulation No. 190-24, Marine Corps Order No. 162.2A, BUPERS Inst. 1620.4A, Air Force Regulation No. 125.11, Commandant Instruction No. 1620.13).

(g) *Cases Involving Death or Serious Injury.* (1) To the extent permitted by law and consistent with the Uniform Code of Military Justice (UCMJ) and the "Manual for Courts-Martial" and in accordance with trial counsel's judgment of appropriate tactical and ethical concerns, consideration shall be given to presenting a victim's impact statement (oral or written statement by victims or survivors) before sentencing in cases involving intoxicated driving.

(2) Trial counsel are encouraged to make reasonable efforts to ensure that the victim or the victim's family is provided information about the progress and disposition of cases processed under the UCMJ.

(h) DoD Components with field installations shall establish an awards and recognition program to recognize successful local installation intoxicated driving prevention programs.

(i) Each DoD Component or its supporting agency is encouraged to use, as guidance, "Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws" and "Interim Report to the Nation by the Presidential Commission on Drunk Driving."

#### § 62b.5 Responsibilities.

(a) The *Assistant Secretary of Defense (Health Affairs)* (ASD(HA)) shall:

(1) Develop a coordinated approach to the reduction of intoxicated driving, consistent with this part, recognizing that intoxicated driving prevention

programs shall be designed to meet local needs.

(2) Appoint the chair of the DIDPTF.

(3) Monitor Military Service and DoD Component regulations that implement the DoD Intoxicated Driving Prevention Program.

(4) Act as focal point for the Department of Defense for interagency and nongovernmental coordination of national intoxicated driving prevention programs.

(5) Evaluate and report biennially to the Secretary of Defense on the effectiveness and efficiency of the DoD Intoxicated Driving Prevention Program.

(b) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* (ASD(MRA&L)) shall:

(1) Ensure the DoD Department Schools system and section VI schools include specific material in the curriculum (grades 7 through 12) on the effects that alcohol and drugs have on the impairment of driving skills.

(2) Ensure that intoxicated driving, accident, mishap, and injury data include:

(i) BAC of drivers in three categories—.01-.04, .05-.09, and .10 and above.

(ii) Time of day and day of the week the mishap or injury occurred.

(iii) Type of vehicle (include MOPEDs with motorcycle data).

(iv) Death and injury data on DoD personnel killed or injured as a result of intoxicated driving, include those who were not intoxicated themselves but were involved in a mishap as a result of intoxicated driving by another party.

(v) Government property damage cost.

(vi) Cost of treatment of injured DoD personnel.

(vii) Pertinent data on military personnel separated or retired as a result of injury or other action taken because of:

(A) Intoxicated driving by the person being separated or retired; or

(B) Intoxicated driving by another person.

(viii) Other chemical substances causing intoxicated driving that contributed to an accident.

(3) Provide an annual report to the Secretary of Defense that assesses the

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impact of intoxicated driving on the Department of Defense. The report shall include intoxicated driving arrest, apprehension, and conviction data as well as the number of exceptions granted to the mandatory suspension of driving privileges under paragraph (b)(6) of this section.

(4) Establish procedures (when feasible) under which DoD personnel convicted for driving while intoxicated will pay administrative restitution to the government for property damage or medical expenses to the extent permitted by applicable law.

(5) Amend appropriate DoD issuances to include the use of a preliminary or prearrest breath test (PBT) to be used by law enforcement personnel to indicate impairment when the arresting officer has reason to believe the operator of a motor vehicle may be intoxicated. (See "Report on a National Study of Preliminary Breath Test (PBT) and Illegal Per Se Laws").

(c) *The Head of each DoD Component or its Supporting Agency* shall establish and operate intoxicated driving prevention programs prescribed by this part.

### § 62b.6 DoD intoxicated driving prevention task force.

(a) *Organization and management.* (1) The DIDPTF shall be chaired by a representative of the Deputy Assistant Secretary of Defense (Health Promotion), Office of the ASD(HA).

(2) The DIDPTF shall consist of representatives of the Military Services' drug and alcohol programs and law enforcement communities and a representative of the Deputy Assistant Secretary of Defense (Equal Opportunity and Safety Policy), Office of the ASD(MRA&L).

(3) Meetings generally shall be held bimonthly; however, special sessions may be required by the chair.

(b) *Functions.* The DIDPTF shall:

(1) Monitor Military Service and DoD Component policy as it applies to the prevention of intoxicated driving.

(2) Review programs and policy developed by other Federal and State agencies and make recommendations of suitable adaptation within the Department of Defense.

(3) Make recommendations to the ASD(HA) and the ASD(MRA&L) on

matters pertaining to intoxicated driving.

### § 62b.7 Definitions.

(a) *Blood Alcohol Content (BAC).* The percentage, by weight, of alcohol in a person's blood as determined by blood, urine, or breath analysis. Percent of weight by volume of alcohol in the blood is based on grams of alcohol per 100 milliliters of blood.

(b) *Conviction.* An official determination or finding as authorized by State or Federal law or regulation, including a final conviction by a court or court-martial (whether based on a plea of guilty or a finding of guilty and regardless of whether the penalty is rebated, deferred, suspended, or probated), an unvacated forfeiture of bail or other collateral deposited to secure a defendant's appearance in court, a plea of nolo contendere accepted by a court, or a payment of a fine.

(c) *DoD issuances.* DoD Directives, Instructions, publications and changes thereto.

(d) *DoD personnel*—(1) *Civilian personnel.* Employees of the Department of Defense whose salary or wages are paid from appropriated or nonappropriated funds.

(2) *Military personnel.* All U.S. military personnel on active duty, U.S. military reserve or National Guard personnel on active duty, and Military Service academy cadets.

(e) *Driving privileges.* Operation of a privately owned motor vehicle on an installation or in areas where traffic operations are under military supervision.

(f) *Intoxicated driving.* Includes one or more of the following:

(1) Operating a motor vehicle under any intoxication caused by alcohol or drugs in violation of Article 111 of the UCMJ (see paragraphs 190 and 191 of the "Manual for Courts-Martial" or a similar law of the jurisdiction in which the vehicle is being operated).

(2) Operating a motor vehicle with a BAC of .10 or higher on a military installation or in an area where traffic operations are under military supervision.

(3) Operating a motor vehicle with a BAC of .10 or higher in violation of the